

10/521 075

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PATENT Case No. MC062YP
DT15 Rec'd PCT/PTO 12 JAN 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Berthelette, et al.

Serial No. To be assigned

Filed:

For: NITRIC OXIDE RELEASING PRODRUGS OF
DIARYL-2-(5H)-FURANONE AS
CYCLOOXYGENASE-2 INHIBITORS

Art Unit: _____

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

~~I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.~~

MERCK & CO., INC.

By _____ Date _____

10/521075

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INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- the attached information is filed within three months of the filing date of the captioned case.
- the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: RAYNARD YURO

Attorney _____ For Applicant(s)

Reg. No. 45,570

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-0182

Date: January 12, 2005

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT January 12, 2005
EXPRESS MAIL NO. US1980591694

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS EXPRESS MAIL "TO OFFICE TO
ADDRESSEE" BEFORE 5 P.M. ON THE ABOVE DATE IN
AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER
FOR PATENTS, WASHINGTON, D.C. 20231.

MAILED BY Lori Chepisi
DATE Jan 12, 2005

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

<p>Substitute for form 1449A/PTO</p> <p>INFORMATION DISCLOSURE</p> <p>STATEMENT BY APPLICANT</p> <p><i>(use as many sheets as necessary)</i></p>	<p>COMPLETE IF KNOWN</p>												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>To be assigned <u>10/1521 075</u></td> </tr> <tr> <td>Filing Date</td> <td></td> </tr> <tr> <td>First Named Inventor</td> <td>Berthelette, et al.</td> </tr> <tr> <td>Group Art Unit</td> <td></td> </tr> <tr> <td>Examiner Name</td> <td></td> </tr> <tr> <td>Attorney Docket Number</td> <td>MC062YP</td> </tr> </table>	Application Number	To be assigned <u>10/1521 075</u>	Filing Date		First Named Inventor	Berthelette, et al.	Group Art Unit		Examiner Name		Attorney Docket Number	MC062YP
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Examiner Name													
Attorney Docket Number	MC062YP												
Sheet	1	of	2										

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		WO 03/094924 A1			MERCK & CO., INC.	11/20/2003
		WO 96/13483			MERCK FROSST CANADA, INC.	04/17/1997
		WO 01/45703 A1			NITROMED, INC.	06/28/2001
		WO 97/28120			MERCK FROSST CANADA, INC.	08/07/1997
		WO 2004/000781 A2			NICOX S.A.	12/31/2003
		WO 2004/000300 A1			NICOX S.A.	12/31/2003
		WO 03/103602 A2			NITROMED, INC.	12/18/2003

Examiner
Signature _____ Date Considered _____

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(use as many sheets as necessary)

Sheet 2 of 2

COMPLETE, IF KNOWN.

Application Number	To be assigned
Filing Date	
First Named Inventor	Berthelette, et al
Group Art Unit	
Examiner Name	
Attorney Docket Number	MC062YP

**Examiner
Signature**

Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.